

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

THE REHABILITATION CENTER OF
INDEPENDENCE, LLC,

Plaintiff,

v.

MICHAEL O. LEAVITT, SECRETARY OF
THE UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN SERVICES, et al.)

Defendants.

Case No. 08-00800-CV-W-FJG

TEMPORARY RESTRAINING ORDER

Before the Court is the Plaintiff's Application for a Temporary Restraining Order. By joint motion, the parties have proposed and consented to the terms of the temporary restraining order hereby entered, in order to permit them to brief the issue of subject matter jurisdiction and to explore possibilities of resolution of this case without further litigation. Accordingly, in order to preserve the status quo for a limited period, it is hereby:

ORDERED that absent further order of the Court, the effectiveness of the termination of Plaintiff's Medicare and Medicaid Provider Agreements is stayed until 5:00 p.m. on Wednesday, November 5, 2008.

IT IS FURTHER ORDERED that neither this order nor Defendant's consent thereto shall be deemed to waive or prejudice any defense that the Defendant may have in this action, including any defense based upon the subject-matter jurisdiction of the Court.

IT IS FURTHER ORDERED that the parties may submit briefs to the Court on the issue of subject matter jurisdiction on or before October 30, 2008, and file responsive briefs on or before November 3, 2008. Defendant's briefing may be in the form of a motion to dismiss.

Dated: October 24, 2008

/s/Fernando J. Gaitan, Jr.
FERNANDO J. GAITAN, JR.
UNITED STATES DISTRICT JUDGE